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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,328	09/26/2005	Philippe Martin	05-449	8920
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EXAMINER DUONG, DIEU HIEN				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,328

Applicant(s)

MARTIN, PHILIPPE

Examiner

DIEU HIEN T. DUONG

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/22/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-23 and 32-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-23 and 32-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office is a response to application's amendment filed 12/22/2008. In virtue of this amendment, claims 1-17 and 24-31 are canceled; claims 39-41 are newly added; thus, claims 18-23 and 32-41 are currently in the instant application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 18-23, 32-34 and 39-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Haghiri-Tehrani et al (US 6,839,936 B1).

Regarding claim 39, Haghiri-Tehrani discloses, in Figures 2 and 6, detector of articles comprising a contactless label of the RFID type, said detector comprising at least one antenna formed of N loops and M turns wherein M and N are integers greater than or equal to 1; a plurality of substrate layers (1b, 11, Figure 6); each of said substrate layers (1b, 11) having at least one electrical conductor segment (9, 17); said at least one antenna being formed by the at least one electrical conductor segment (9) on a first (1b) one of said substrate layers (1b, 11) lying in a first plane and being joined to the at least one electrical conductor segment (17) on a second one (11) of said substrate layers (1b, 11) to form one of said turns; and wherein the at least one

electrical conductor segment on the second one of said substrate layers lies in a second plane said second plane is not coplanar with said first plane.

Regarding claims 18-19, as applied to claim 39, Haghiri-Tehrani discloses, in Figures 2 and 6, wherein at least one of the turns of the antenna is constituted by at least two segments (9, 17) extending in different planes; wherein the planes in which the at least two segments (9, 17) extend are parallel with each other.

Regarding claims 20-23, Haghiri-Tehrani discloses, in Figures 2 and 6, wherein the ends of each of two consecutive segments (9, 17) are connected to each other by a bridge (29); wherein the connection between the ends of the segments (9, 17) is such that the antenna exhibits N loops with one turn; wherein the connection between the ends of the segments (9, 17) is such that the antenna exhibits one loop with N turns; wherein the bridge (29) extends perpendicular to the planes of the segments of turn.

Regarding claims 32-34, as applied to claims 39, Haghiri-Tehrani discloses, in Figures 2 and 6, comprising the following steps producing at least one electrical conductor segment (9, 17) on a plurality of substrates (1b, 11) respectively, and assembling multiple layers of said substrates; further comprising a step of producing a connection (29) between different segments (9, 17) of each of the substrates (1b, 11). wherein said antenna is contained in a substantially parallelepipedic card having two large parallel faces.

Regarding claims 40-41, as applied to claim 39, Haghiri-Tehrani discloses, in Figure 6, further comprising each of said substrate layers (1b, 11) abuts an adjacent substrate layer (1a) and has a size identical to a size of the adjacent abutting substrate

layer; wherein said plurality of substrate layers comprises at least three abutting substrate layers (1a, 11, 1b).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haghiri-Tehrani et al (US 6,839,936 B1) in view of Goff et al. (US 6,600,420 B2 of record), hereinafter "Goff".

Regarding claim 35, Haghiri-Tehrani discloses every feature of claimed invention except for articles being disposed substantially parallel with respect to each other.

Goff discloses in Figure 10, articles being disposed substantially parallel with respect to each other.

It would have been obvious to one having ordinary skill in the art the time the invention was made to include the arrangement of the articles of Goff in the detector of wireless article of Haghiri-Tehrani to achieve the claimed invention in order to deter theft or other unauthorized removal of articles (see col. 1, lines 21-26).

Regarding claims 36-37, as applied to claim 17, Haghiri-Tehrani /Goff (Goff, Figure 10), the articles disposed closed to each other.

Haghiri-Tehrani and Goff do not disclose a distance of less than 15mm.

However, such difference is not of patentable merits since it would have been obvious to one having ordinary skill in the art the time the invention was made to determine the distance between articles to provide security for the articles. Therefore, to employ having the distance less than 15mm would have been obvious to person skill in the art.

6. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haghiri-Tehrani et al (US 6,839,936 B1) in view of Chung (US 2002/0044096 A1).

Regarding claim 38, Haghiri-Tehrani discloses every feature of claimed invention except for the antenna being tuned, with an impedance of 50 Ohms and with zero phase shift, to have a frequency of 13.56 MHz.

Chung discloses, in Figure 6, paragraph [0054], the antenna being tuned with an impedance of 50 Ohms and with zero phase shift, to have a frequency of 13.56 MHz.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the tuning circuit of Chung in the detector of Haghiri-Tehrani in order to provide best detector response (see par. [0054]).

Citation of Relevant Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

De Vall (Us 5,574,470) discloses a radio frequency identification transponder apparatus having loop antenna disposed on different substrate layers.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquiry

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DIEU HIEN T. DUONG** whose telephone number is (571)272-8980. The examiner can normally be reached on **Monday - Friday, from 8:30AM-5:00PM**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Douglas W. Owens** can be reached on **571-272-1662**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

03/04/2009
DD
AU 2821

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